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BEFORE THE

**Federal Communications Commission**  
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Service Rules for the 746-764 and  
776-794 MHz Bands, and  
Revision to Part 27  
of the Commission's Rules

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WT Docket No. 99-168

To: The Commission

**REPLY OF THE U.S. GPS INDUSTRY COUNCIL TO OPPOSITION OF MOTOROLA**

The U.S. GPS Industry Council (the "Council"), by its attorneys and pursuant to Section 1.429 of the Commission's Rules,<sup>1</sup> hereby replies to the opposition of Motorola to the Council's Petition for Reconsideration<sup>2</sup> submitted in the above-captioned proceeding.<sup>3</sup> In its Opposition,<sup>4</sup> Motorola simply endorsed the Commission's treatments of the out-of-band emissions issue without addressing any of the detailed arguments the Council set forth in its

<sup>1</sup> 47 C.F.R. § 1.429.

<sup>2</sup> Petition for Reconsideration of the U.S. GPS Industry Council in WT Docket No. 99-168 (February 22, 2000) ("Petition for Reconsideration" or "Petition").

<sup>3</sup> *Service Rules for the 746-764 and 776-794 MHz Bands, and Revision to Part 27 of the Commission's Rules, First Report and Order*, WT Docket No. 99-108 (FCC 00-5) (released January 7, 2000) ("Order").

<sup>4</sup> See Comments of Motorola on Petitions for Reconsideration in WT Docket No. 99-168 (filed March 10, 2000) ("Motorola Opposition" or "Opposition").

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Petition.<sup>5</sup> As such, the Motorola Opposition is meritless, and the Commission should proceed to reconsider the out-of-band elements of its *Order* that pertain to the Global Positioning System ("GPS") in the manner set forth in the Council's Petition.<sup>6</sup>

In its Petition for Reconsideration, the Council urged the Commission to reconsider the out-of-band emission ("OOBE") limits set forth in the *Order* for harmonic emissions of systems operating in the 700 MHz bands<sup>7</sup> that fall within the 1559-1610 MHz frequency range that is utilized by GPS.<sup>8</sup> The Council argued that the Commission failed to carefully consider the technical parameters and implications that the Council presented in its Comments<sup>9</sup> and Reply Comments.<sup>10, 11</sup> Further, the Council demonstrated that the Commission

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<sup>5</sup> See generally Motorola Opposition.

<sup>6</sup> In its comments, ArrayComm, Inc. ("ArrayComm"), illustrated the need for tighter general OOBE limits to protect commercial services in the 700 MHz band and used for support for this need the fact that both the National Telecommunication Information Administration and the Council call for higher limits. See Comments of ArrayComm, Inc., in WT Docket No. 99-168, at 5 (filed March 10, 2000). ArrayComm, however, did not propose any OOBE standard for the protection of the GPS bands and did not challenge the Council's Petition for Reconsideration. As such, the Council is not commenting on ArrayComm's comments.

<sup>7</sup> The sub-bands 746-764 MHz and 776-794 MHz are referred herein as the "700 MHz bands."

<sup>8</sup> See Petition for Reconsideration at 1.

<sup>9</sup> Comments of the U.S. Industry Council in WT Docket No. 99-168 (filed July 13, 1999) ("Comments").

<sup>10</sup> Reply Comments of the U.S. Industry Council in WT Docket No. 99-168 (filed August 13, 1999) ("Reply Comments").

<sup>11</sup> See Petition for Reconsideration at 5.

disregarded certain showings and unjustly rejected other showings that the Council made in this proceeding that more stringent OOB limits are required.<sup>12</sup>

Motorola, however, does not challenge the Council's arguments regarding these shortcomings in the *Order*. Neither does Motorola add any justification for the Commission's disregard of clear technical showings demonstrating that, in the absent of case-by-case studies, the Commission should adopt a general applicability OOB standard of -100 dBW/MHz.<sup>13</sup> Instead, it merely endorses the Commission's actions.

The Council also showed that the Commission ignored agreements within the International Telecommunication Union ("ITU") study groups which concluded that a -70 dBW/MHz cannot become a default OOB standard for the 1559-1605 MHz band.<sup>14</sup> Although Motorola notes that the Council had made this argument, it states only that the Commission addressed the issue in the *Order*.<sup>15</sup> In fact, in the *Order*, the Commission offered no explanation or justification for its disregard of the seminal U.S. position within the ITU that the -70 dBW/MHz standard was only agreed for 1-3 GHz and MSS METs.<sup>16</sup> Motorola neither offers any substantive reasoning to explain the Commission's unsubstantiated conclusions nor shows why the Councils' argument in its Petition for Reconsideration should be rejected.

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<sup>12</sup> See *id.* 5-8.

<sup>13</sup> See *id.* at 5-8, 13.

<sup>14</sup> See *id.* 8.

<sup>15</sup> See Motorola Opposition at 9.

<sup>16</sup> See Petition for Reconsideration at 8.

Finally, the Council showed that the Commission has failed to consider specific presidential and congressional mandates concerning GPS. The Motorola Opposition does not address this point.

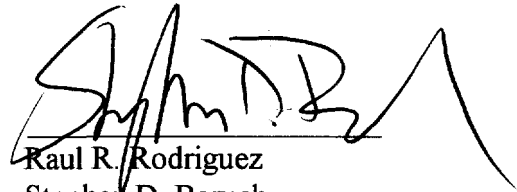
### CONCLUSION

Motorola's Opposition to the Council's Petition for Reconsideration is both groundless and incomplete. The Commission should reject Motorola's Opposition and grant the Council's Petition for the reasons set forth therein.

Respectfully submitted,

THE U.S. GPS INDUSTRY COUNCIL

By:

A handwritten signature in black ink, appearing to read 'Raul R. Rodriguez', is written over a horizontal line.

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## **CERTIFICATE OF SERVICE**

I, Tim Jordan, do hereby certify that copies of the foregoing "Reply of the U.S. GPS Industry Council to Opposition of Motorola" were delivered this 17<sup>th</sup> day of March, 2000, to the following in the manner indicated:

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